

Docket No. UE-220701 - Vol. I

Argunov, et al. v. Puget Sound Energy

October 24, 2022



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BEFORE THE WASHINGTON
 UTILITIES AND TRANSPORTATION COMMISSION

ALEXANDER AND ELENA ARGUNOV,) DOCKET UE-220701
 THOMAS AND HEIDI JOHNSON,)
 CHAD AND VICTORIA GROESBECK,))
)
 Complainants,)
)
 vs.)
)
 PUGET SOUND ENERGY,)
)
)
 Respondent.)

VIRTUAL PREHEARING CONFERENCE, VOLUME I

Pages 1-17

ADMINISTRATIVE LAW JUDGES SAMANTHA DOYLE
 AND GREGORY J. KOPTA

October 24, 2022
 2:30 p.m.

Washington Utilities and Transportation Commission
 621 Woodland Square Loop Southeast
 Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 LACEY, WASHINGTON; OCTOBER 24, 2022
 2 2:30 P.M.
 3 --o0o--
 4

PROCEEDINGS

5
 6
 7 JUDGE DOYLE: Good afternoon. We're here
 8 today for a prehearing conference in Docket UE-220701,
 9 which is captioned Alexander and Elena Argunov, Thomas
 10 and Heidi Johnson, Chad and Victoria Groesbeck,
 11 complainants, versus Puget Sound Energy.
 12 Today is Monday, October 24th, 2022, and the
 13 time is approximately 2:30 p.m.
 14 My name is Samantha Doyle. I use she/her
 15 and they/them pronouns. With me today is Gregory Kopta,
 16 who uses he/him pronouns. We are administrative law
 17 judges with the Washington Utilities and Transportation
 18 Commission, and we will be copresiding in this matter.
 19 This prehearing conference is going to be a
 20 chance for the parties to discuss the nature and
 21 schedule of the proceeding. Judge Kopta and I have read
 22 the complaint and PSE's response.
 23 You will not be providing any testimony or
 24 arguments in support of your complaint today, but this
 25 conference is a chance for us to clarify the issues and

1 A P P E A R A N C E S
 2 ADMINISTRATIVE LAW JUDGES:
 3 SAMANTHA DOYLE
 4 GREGORY J. KOPTA
 5

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FOR THE COMPLAINANTS:
 ALEXANDER & ELENA ARGUNOV
 HEIDI JOHNSON
 VICTORIA GROESBECK
 * * * * *

1 discuss the procedures in the case.
 2 The Commission conducts two types of
 3 adjudications. In the standard adjudication, the
 4 parties file written testimony in advance of the hearing
 5 which is then subject to cross-examination during the
 6 hearing, followed by written briefs by each party in
 7 support of their position on the disputed issues.
 8 The second type is a brief adjudicative
 9 proceeding, or a BAP. Parties in the BAP file any
 10 written documents they want the Commission to consider a
 11 few days before the hearing at which time they will
 12 present their documents and oral testimony subject to
 13 cross-examination by the other parties. Each party may
 14 then make an oral statement in support of their
 15 position. This is often best when there are parties
 16 representing themselves and/or the issues are relatively
 17 straightforward.
 18 We will hear from each of the parties in a
 19 minute on their positions with respect to which
 20 procedure they prefer.
 21 Let's start by taking appearances, and by
 22 appearances, we simply mean that you identify yourself.
 23 Let's begin with the complainants. Please
 24 state your name and address for the record, spelling
 25 your last name for the court reporter. Feel free to

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1 provide your pronouns if you'd like.
 2 Want to start with Alexander or Elena?
 3 MS. ARGUNOV: Hello. My name is Elena
 4 Argunov, and my home address is 1550 Old Cedars Road,
 5 Cle Elum, ZIP code 98922.
 6 JUDGE DOYLE: And can you please spell your
 7 last name for the record?
 8 MS. ARGUNOV: Oh, sorry. It's A-R, as
 9 Rogers, G, as George, U, as umbrella, N, as Nick, O, as
 10 olive, and V, as Victor, Argunov.
 11 JUDGE DOYLE: Thank you. And an email
 12 address, please.
 13 MS. ARGUNOV: It's eargunov@gmail.com.
 14 JUDGE DOYLE: And was that Alexander? Were
 15 you attempting to speak there? Or somebody else? Oh,
 16 go ahead, Alexander.
 17 MR. ARGUNOV: My name is Alexander Argunov,
 18 Elena's husband. Address, it's 1550 Old Cedars Road, in
 19 Cle Elum, 98922. And Argunov, A-r-g-u-n-o-v.
 20 JUDGE DOYLE: Thank you.
 21 And Thomas or Heidi Johnson?
 22 MS. ARGUNOV: Heidi, we cannot hear you.
 23 JUDGE DOYLE: Yeah, you're on mute, Heidi.
 24 MS. ARGUNOV: Bottom left corner.
 25 MS. JOHNSON: Can you hear me now?

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1 MS. ARGUNOV: Yep.
 2 MS. JOHNSON: Heidi, H-e-i-d-i, Johnson,
 3 J-o-h-n-s-o-n, Thomas Johnson, T-h-o-m-a-s Johnson. He
 4 is not here at this time. Our address is 1340 Old
 5 Cedars Road. That is also in Cle Elum, C-l-e, space,
 6 E-l-u-m, Washington 98922.
 7 JUDGE DOYLE: And best email for you?
 8 MS. JOHNSON: Best email for me is
 9 h.e.johnson, J-o-h-n-s-o-n, @comcast.net.
 10 JUDGE DOYLE: Perfect. Thank you.
 11 And Chad and Victoria?
 12 MS. GROESBECK: Hello. This is Victoria.
 13 Chad is also not able to make it. Victoria Groesbeck.
 14 Address, 971 Old Cedars Road, also Cle Elum, Washington
 15 98922. Groesbeck is G-r-o-e-s-b-e-c-k. Best email is
 16 the one on file with my maiden name, which is
 17 victoriamcfarland, M-c-f-a-r-l-a-n-d, 24@hotmail.com.
 18 JUDGE DOYLE: Great. Thank you.
 19 And next, for Puget Sound Energy?
 20 MR. STARKEY: Good afternoon. Byron
 21 Starkey, with Perkins Coie, on behalf of Puget Sound
 22 Energy. With me today is also Sheree Carson.
 23 JUDGE DOYLE: Thank you.
 24 And for Staff?
 25 MR. CALLAGHAN: Nash Callaghan, Assistant

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1 Attorney General, on behalf of Commission Staff.
 2 JUDGE DOYLE: And for Public Counsel.
 3 MS. GAFKEN: Good afternoon. Lisa Gafken,
 4 Assistant Attorney General, on behalf of Public Counsel.
 5 JUDGE DOYLE: Thank you.
 6 And that brings us to checking in if there
 7 are any -- if there's anyone on the line to -- that
 8 wanted to petition for intervention. There was none
 9 filed, but I just wanted to make sure.
 10 MS. ARGUNOV: Always good to double check.
 11 JUDGE DOYLE: Okay. Hearing none, let's
 12 proceed.
 13 So now we will address which procedure we
 14 will use to resolve the disputed issues. This is a
 15 straightforward case; however, we did see that that were
 16 some proposed schedules by the other parties.
 17 So let's take turns and check in and see
 18 with each party whether they would like to proceed with
 19 a BAP or a standard adjudicative -- or a standard
 20 proceeding. We'll start with the complainants.
 21 MS. ARGUNOV: I would agree with Public
 22 Counsel's schedule.
 23 JUDGE DOYLE: Okay. For a standard
 24 proceeding?
 25 MS. ARGUNOV: Yes.

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1 JUDGE DOYLE: Filed testimony --
 2 MS. ARGUNOV: It's just, I think November
 3 8th is just too -- too close to today's meeting, so I
 4 would just prefer to have it in December.
 5 JUDGE DOYLE: Okay. And to clarify, the
 6 first -- the December would be for an initial settlement
 7 conference.
 8 MS. ARGUNOV: Mm-hmm, that's correct.
 9 JUDGE DOYLE: Okay. And then would --
 10 Mrs. Johnson?
 11 MS. JOHNSON: That's fine as well.
 12 JUDGE DOYLE: Okay. And Mrs. Groes- --
 13 Groesbeck? Sorry. Apologies.
 14 MS. GROESBECK: Yep, that is a preferred
 15 date for us as well.
 16 JUDGE DOYLE: Okay. We -- I saw that Staff
 17 had weighed in and also agreed with Public Counsel's
 18 proposed schedule. Would the Company like to speak to
 19 that?
 20 MR. STARKEY: Yeah, I think the only issue
 21 with Public Counsel's proposed schedule is the hearing
 22 date of the 30th. There is a conflict with that. I'll
 23 be in a trial.
 24 JUDGE DOYLE: Do you have an alternative
 25 proposed date that you would like us to consider for

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1 March?
 2 MR. STARKEY: Yes. I sent around an
 3 alternative date just before and that was -- I proposed
 4 February 22nd, but we're also open to a date in March as
 5 well.
 6 JUDGE DOYLE: Given that there is almost
 7 agreement, would the parties like a short period of
 8 time, five to ten minutes, to convene together? Judge
 9 Kopta and I will leave the room and allow you to discuss
 10 whether or not you have an agreement on a proposed
 11 hearing date. And if you don't, we can hear all of your
 12 proposals and take it into consideration. Does five or
 13 ten minutes seem like enough time?
 14 MR. CALLAGHAN: I think it would be, Your
 15 Honor.
 16 MS. JOHNSON: That's fine.
 17 JUDGE DOYLE: Is five okay?
 18 MR. JOHNSON: Five is fine.
 19 JUDGE DOYLE: All right. Well, let's be off
 20 the record and Judge Kopta and I will return at 2:45.
 21 (A break was taken from
 22 2:40 p.m. to 2:55 p.m.)
 23 JUDGE DOYLE: Let's be back on the record.
 24 The parties have agreed on a procedural schedule. And I
 25 will now ask for Staff to please read into the record.

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1 MR. CALLAGHAN: Thank you, Your Honor. I
 2 was -- didn't get a chance to write down the dates as we
 3 were going through them. I believe Mr. Starkey has the
 4 exact dates written down.
 5 MR. STARKEY: I do, Your Honor. Thank you.
 6 We have the initial settlement conference as December
 7 7th; we have the opening testimony on January 10th;
 8 responsive testimony on February 9th; rebuttal testimony
 9 is February 24th; the discovery deadline is March 6th;
 10 and then the evidentiary hearing on March 14th.
 11 JUDGE DOYLE: Okay. And to confirm, you
 12 said the discovery deadline was March 6th and the
 13 evidentiary hearing for the 14th?
 14 MR. STARKEY: Yes, Your Honor.
 15 JUDGE DOYLE: Great. Slow to respond here.
 16 Okay, great. Thank you everyone for giving
 17 your proposed schedules or the agreed upon schedule.
 18 And I will confirm that the Commission -- that works for
 19 the Commission and incorporate it into the prehearing
 20 conference order.
 21 Would the parties prefer to make -- well,
 22 would the parties prefer to make oral arguments at the
 23 conclusion of the hearing or file post hearing briefs?
 24 MR. CALLAGHAN: Thank you, Your Honor.
 25 Staff would prefer to make remarks at the end of the

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1 hearing.
 2 MS. GAFKEN: Public Counsel also prefers
 3 remarks.
 4 MR. STARKEY: PSE would agree with that as
 5 well.
 6 JUDGE DOYLE: And for the complainants,
 7 would you agree with that?
 8 MS. ARGUNOV: Yes.
 9 JUDGE DOYLE: Great. We will make note of
 10 that.
 11 Next I want to discuss -- oh, before that,
 12 Ms. Gafken?
 13 MS. GAFKEN: Yeah, I just wanted to go back
 14 to the schedule quickly. When -- when we were looking
 15 at the proposed schedules, there was a note about
 16 discovery response sometimes, and I wanted to -- we
 17 didn't talk about that as a group when we were off the
 18 record, but it was provided in the proposals that were
 19 sent around.
 20 Response times are standard through the
 21 opening testimony, so the ten business days and then
 22 reduced to five business days after the opening
 23 testimony. You know, that's not necessarily standard
 24 unless it gets into the prehearing conference order. So
 25 I wanted to raise that and say that Public Counsel would

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1 prefer that timeline be incorporated.
 2 JUDGE DOYLE: Do any of the parties have an
 3 objection to that incorporation?
 4 MR. CALLAGHAN: No objection, Your Honor.
 5 MR. STARKEY: No objection, Your Honor.
 6 MS. ARGUNOV: No objection.
 7 JUDGE DOYLE: Okay, great. Thank you.
 8 So on the matter of discovery, it is the
 9 exchange of information in advance of the hearing,
 10 generally in the form of written requests. Discovery
 11 rules can be found under Washington Administrative Code
 12 480-07-400.
 13 And would the caller -- I can't see an ID.
 14 Seems like someone has called in. Would you please mute
 15 yourself? We can hear your background noise.
 16 Did anyone need me to repeat the code for
 17 the discovery rules or was that clear? Okay.
 18 Would the parties like to have the rules of
 19 discovery available?
 20 MS. GAFKEN: Yes, Public Counsel would like
 21 to have the rules of discovery available.
 22 JUDGE DOYLE: And to clarify, I just wanted
 23 to confirm with Public Counsel your scope of
 24 intervention given its three complainants and -- and
 25 what your intent was.

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1 MS. GAFKEN: So we are a statutory party for
 2 all matters in front of the Commission, so that's our
 3 primary basis. We are interested in the subject matter
 4 as well. There's an allegation of, you know, meter
 5 readings issues and we would like to take a look at
 6 that.
 7 So from the complaint, I can identify some
 8 of the issues, but I think it would be very helpful to
 9 have discovery to be able to ask some questions about,
 10 you know, what has happened and, you know, perhaps with
 11 the accounts in particular and what the meter readings
 12 were and just to help snuff out the issues.
 13 JUDGE DOYLE: I just wanted to clarify and,
 14 you know, just make certain that that was focused on
 15 these complainants and these issues as opposed to the
 16 general practices of PSE regarding meter reading and
 17 that if there was a more general issue that Public
 18 Counsel would take complaint in a different forum, so...
 19 MS. GAFKEN: I do understand that. I do
 20 think -- I mean, I don't plan on broadening the scope of
 21 this particular proceeding, but I am concerned that
 22 perhaps there is a broader issue, and I want to explore
 23 what the issue is that's being raised in this
 24 proceeding.
 25 JUDGE DOYLE: Okay. Thank you.

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1 How do the complainants feel about wanting
 2 to participate in the rules of discovery? Is that
 3 something that you were interested in or do -- do any of
 4 the parties have objections to --
 5 MS. ARGUNOV: No objections, Your Honor.
 6 It's totally okay with us.
 7 MR. STARKEY: No objection on the part of
 8 the Company too.
 9 MR. CALLAGHAN: And no objection from Staff,
 10 Your Honor.
 11 JUDGE DOYLE: Okay. So then also, during
 12 the proceedings at Commission, parties often issue a
 13 first data request asking that any subsequent data
 14 requests and responses are shared with every other
 15 party. And it would make it easier on the parties if I
 16 included this requirement in the prehearing conference
 17 order. Are there any objections to my including that
 18 requirement?
 19 MR. CALLAGHAN: No objection, Your Honor.
 20 MS. GAFKEN: No objection, and I highly
 21 favor that being included in the prehearing conference
 22 order.
 23 MR. STARKEY: No objection, Your Honor.
 24 MS. ARGUNOV: No objection, Your Honor.
 25 JUDGE DOYLE: Okay. Regarding -- okay.

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1 Sorry. So discovery will otherwise be conducted
 2 according to the Commission's procedural rules.
 3 Regarding electronic filing and electronic
 4 service, I'm just going to remind the parties that
 5 documents should be filed online through the electronic
 6 filing link on the Commission's website. If the parties
 7 intend to submit exhibits, there will be requirements
 8 for filing exhibits and exhibit lists in advance of the
 9 hearing, which will also be done only electronically. I
 10 will enter a prehearing order with details on this
 11 topic.
 12 Also, the Commission's rules provide for
 13 electronic service of documents. The Commission will
 14 serve the parties electronically and the parties will
 15 serve each other electronically.
 16 If you have any corrections or updates to
 17 our master list in this docket, please file a written
 18 notice of appearance or email us. My email is
 19 Samantha.doyle@utc.wa.gov. And Judge Kopta's email is
 20 Gregorykop -- dot -- apologies. I'm going to start his
 21 over again. Gregory.kopta@utc.wa.gov.
 22 Is there anything else we need to address
 23 today or questions from the complainants about the
 24 proceedings?
 25 MS. ARGUNOV: Not at this point, Your Honor.

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1 Thank you.
 2 JUDGE DOYLE: Okay. And to clarify, the
 3 complainants can ask procedural questions of the judges,
 4 but no subject matter. So just another clarification.
 5 So with that, we will issue an order shortly
 6 containing the procedural schedule and other guidelines
 7 for this case. And if there's nothing else, we are
 8 adjourned.
 9 (Adjourned at 3:05 p.m.)
 10
 11
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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



~~Tayler Garlinghouse~~
Tayler Garlinghouse, CCR 3358

<p style="text-align: center;">A</p> <p>A-R 5:8 A-r-g-u-n-o-v 5:19 ability 17:9 able 6:13 13:9 accounts 13:11 accurate 17:9 address 4:24 5:4,12 5:18 6:4,14 7:13 15:22 adjourned 16:8,9 adjudication 4:3 adjudications 4:3 adjudicative 4:8 7:19 administrative 1:13 2:2 3:16 12:11 advance 4:4 12:9 15:8 afternoon 3:7 6:20 7:3 agree 7:21 11:4,7 agreed 8:17 9:24 10:17 agreement 9:7,10 ahead 5:16 Alexander 1:4 2:22 3:9 5:2,14,16,17 allegation 13:4 allow 9:9 alternative 8:24 9:3 and/or 4:16 apologies 8:13 15:20 appearance 15:18 appearances 4:21 4:22 approximately 3:13 arguments 3:24 10:22 Argunov 1:4 2:22 3:9 5:3,4,8,10,13 5:17,17,19,22,24</p>	<p>6:1 7:10,21,25 8:2 8:8 11:8 12:6 14:5,24 15:25 asking 14:13 Assistant 6:25 7:4 attempting 5:15 Attorney 2:12,17 7:1,4 available 12:19,21 Avenue 1:22 2:17</p> <hr/> <p style="text-align: center;">B</p> <p>back 9:23 11:13 background 12:15 BAP 4:9,9 7:19 basis 13:3 behalf 6:21 7:1,4 believe 10:3 Bellevue 2:8 best 4:15 6:7,8,15 17:9 Bottom 5:24 Box 2:12 break 9:21 brief 4:8 briefs 4:6 10:23 brings 7:6 broadening 13:20 broader 13:22 Buell 1:21 business 11:21,22 Byron 2:6 6:20 byronstarkey@p... 2:9</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:4 17:1,1 C-l-e 6:5 Callaghan 2:11 6:25,25 9:14 10:1 10:24 12:4 14:9 14:19 called 12:14 caller 12:13 captioned 3:9 Carson 6:22</p>	<p>case 4:1 7:15 16:7 CCR 1:20 17:14 Cedars 5:4,18 6:5 6:14 certain 13:14 Certified 17:6 certify 17:8 Chad 1:5 3:10 6:11 6:13 chance 3:20,25 10:2 check 7:10,17 checking 7:6 clarification 16:4 clarify 3:25 8:5 12:22 13:13 16:2 Cle 5:5,19 6:5,14 clear 12:17 close 8:3 code 5:5 12:11,16 Coie 2:7 6:21 comcast.net 6:9 Commission 1:2,18 2:10 3:18 4:2,10 7:1 10:18,19 13:2 14:12 15:13 Commission's 15:2 15:6,12 Company 8:18 14:8 complainants 1:6 2:21 3:11 4:23 7:20 11:6 12:24 13:15 14:1 15:23 16:3 complaint 3:22,24 13:7,18 concerned 13:21 conclusion 10:23 conducted 15:1 conducts 4:2 conference 1:11 3:8,19,25 8:7 10:6 10:20 11:24 14:16 14:21 confirm 10:11,18</p>	<p>12:23 conflict 8:22 consider 4:10 8:25 consideration 9:12 containing 16:6 convene 9:8 copresiding 3:18 corner 5:24 correct 8:8 corrections 15:16 Counsel 2:15 7:2,4 11:2,25 12:20,23 13:18 Counsel's 7:22 8:17,21 COUNTY 17:4 court 4:25 cross-examination 4:5,13</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:4 data 14:13,13 date 8:15,22,25 9:3 9:4,11 dates 10:2,4 days 4:11 11:21,22 deadline 10:9,12 December 8:4,6 10:6 details 15:10 different 13:18 discovery 10:9,12 11:16 12:8,10,17 12:19,21 13:9 14:2 15:1 discuss 3:20 4:1 9:9 11:11 disputed 4:7 7:14 docket 1:4 3:8 15:17 documents 4:10,12 15:5,13 dot 15:20 double 7:10 Doyle 1:13 2:3 3:7</p>	<p>3:14 5:6,11,14,20 5:23 6:7,10,18,23 7:2,5,11,23 8:1,5 8:9,12,16,24 9:6 9:17,19,23 10:11 10:15 11:6,9 12:2 12:7,22 13:13,25 14:11,25 16:2</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 3:4,4 17:1,1 E-l-u-m 6:6 eargunov@gmail... 5:13 easier 14:15 electronic 15:3,3,5 15:13 electronically 15:9 15:14,15 Elena 1:4 2:22 3:9 5:2,3 Elena's 5:18 Elum 5:5,19 6:5,14 email 5:11 6:7,8,15 15:18,18,19 Energy 1:8 2:5 3:11 6:19,22 enter 15:10 evidentiary 10:10 10:13 exact 10:4 exchange 12:9 exhibit 15:8 exhibits 15:7,8 explore 13:22</p> <hr/> <p style="text-align: center;">F</p> <p>F 17:1 favor 14:21 February 9:4 10:8 10:9 feel 4:25 14:1 Fifth 2:17 file 4:4,9 6:16 10:23 15:17 filed 7:9 8:1 15:5</p>
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